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Chapter 4. Acquisition of Real Property

4.1 Overview

4.1.1 This section describes the policies and procedures by which NASA Centers may acquire real property assets to support their missions. It includes:

- a. References to laws, policies, and principles related to the NASA property acquisition process published by NASA and other Government agencies.
- b. The process for requesting approval from the FERP Division for acquisition of real property.

4.1.2 The requirements in this chapter apply to real property assets acquired by:

- a. Purchase, condemnation, gift, or transfer from another Federal agency.
- b. Lease.
- c. Easements, rights of way, licenses, permits, and use agreements.
- d. Land withdrawals from Bureau of Land Management.

4.1.3 Procedures for recording transfer and acceptance of real property assets acquired through purchase, lease, in-grant, and easement can be found in Section [2.4](#) of this NPR.

4.1.4 This chapter does not apply to the construction of assets on real property already owned or under the control of NASA. Policies and procedures for construction of new

assets can be found in NPR 8820.2, Facility Project Requirements. Procedures for recording construction of assets can be found in Section [2.4](#) of this NPR.

4.2 Guiding Principles for Acquisition of Real Property

4.2.1 Code of Federal Regulations 14 CFR, Part 1204.501 delegates the authority to acquire real property required by NASA by purchase, lease, condemnation, or other (e.g., donation or transfer from another Federal agency) to the following NASA officials:

- a. Assistant Administrator, Office of Strategic Infrastructure.
- b. Director, FERP Division.

4.2.2 Code of Federal Regulations 14 CFR, Part 1204.501 further provides that the authority to acquire real property may be redelegated. NPD 8800.14 specifies that NASA Center Directors may secure the authority to take such real property actions from the following NASA officials:

- a. Assistant Administrator, Office of Strategic Infrastructure.
- b. Director, FERP Division.

4.2.3 NASA usually does not accept donation of facilities built on non-Federal land, but the FERP Division will consider requests for a waiver.

4.2.4 The Director, FERP Division, is responsible for coordinating with and obtaining the concurrence of Mission Directorates and other NASA Senior Management officials to acquire real property, as appropriate.

4.2.4.1 The Director, FERP Division, shall coordinate and approve real property matters involving international locations with the NASA Office of the General Counsel and, through them, the NASA Office of International and Interagency Relations. NASA Headquarters will coordinate with the Department of State as required.

4.2.4.2 The Director, FERP Division, shall ensure coordination between the Center and affected Mission Directorate Offices regarding out-lease of NASA property, which is discussed in Section [7.6](#) of this NPR.

4.3 Environmental, Historic, and Sustainability Considerations

4.3.1 Real property acquisitions shall be coordinated with the Center's Environmental Management Office as early as possible to ensure that environmental requirements and liabilities are addressed in accordance with NPD 8500.1, NASA Environmental Management.

4.3.2 Environmental documentation to support the acquisition is to be prepared and maintained by the Center and will comply with both the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). NEPA and NHPA review normally take place in conjunction with each other.

4.3.3 NEPA documentation requirements assess potential environmental impacts associated with the real property acquisition, in accordance with NPR 8580.1. An Environmental Assessment or Environmental Impact Statement may be required.

4.3.4 NEPA documentation shall include an Environmental Baseline Survey (EBS) that

reviews the operational history of the real property to identify potential environmental issues including, but not limited to:

- a. Hazardous substance activities.
- b. Equipment containing polychlorinated biphenyls (PCBs).
- c. Materials containing asbestos.
- d. Underground storage tank systems.
- e. Wetlands.
- f. Floodplains.
- g. Cultural resources.

4.3.5 Historic documentation will comply with both Section 106 and 110(a) of the NHPA, 16 U.S.C. §470 et seq. This review is necessary if the real property acquisition has the potential to affect a listed or eligible structure/cultural resource that could be listed on the National Register of Historic Places. National Historic Landmarks, Native American, and Native Hawaiian sites also should be included.

4.3.6 Real property acquisitions including leases will comply with the Federal guiding principles for sustainability established by EO 13423.

4.3.7 If the site or structure to be acquired is found to be or is known to be contaminated and requiring remediation of the site or structure, the acquisition documents shall identify the responsibility of parties for remediation.

4.4 Safety and Health Considerations

4.4.1 The FPM shall coordinate real property acquisitions with the Center's Safety and Mission Assurance (SMA) Office as early as possible to ensure that all safety and health hazards, issues, and concerns have been addressed.

4.4.2 Safety and health documentation shall be prepared and maintained at the Center. This includes a Safety Baseline Survey (SBS) reviewing (or "for review of") the operational safety history of the real property to identify potential safety and health hazards and concerns. The SBS may include previous safety and health, and/or facility deficiencies from inspections. In many cases, required abatement actions will need to be completed prior to the actual transfer of the property. The SBS includes, but is not limited to:

- a. Facility safety.
- c. Fire protection.
- d. Confined space requiring entry permit.
- e. Nuclear safety.
- f. Radiation protection.
- g. Explosives and pressurized systems.
- h. Health hazard exposure assessment (including lead and asbestos).

i. Indoor air quality assessment.

j. Hazardous noise abatement.

4.4.3 NPR 8715.3, NASA General Safety Program Requirements and NASA-STD-8719.7, Facilities Systems Safety Guidebook, provides additional guidance.

4.5 Rural Considerations

4.5.1 Section 601 of the Rural Development Act (RDA) of 1972, as amended, 7 U.S.C. §2204b-1, requires Federal agencies to maintain departmental policies and procedures that give first priority to the location of new offices and other facilities in rural areas.

4.5.2 Rural areas are defined in 41 CFR, Part 102-83.55 as follows: "Rural area means any area other than - (a) a city, town that has a population of 50,000 inhabitants or more and (b) the urbanized area immediately adjacent to such a city or town."

4.5.3 The RDA was established to provide for planning, financing, and developing facilities and services in rural areas that contribute to making these areas desirable places in which to live and make private business investments.

4.6 Uniform Relocation Assistance Considerations

4.6.1 The Uniform Relocation Assistance program ensures that owners of real property that are acquired for Federal or Federally assisted programs will be provided fair, consistent, and equitable treatment.

4.6.2 The "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Act" (42 U.S.C. §4601 et seq.) is implemented through regulations in 49 CFR, Part 24, and applies to NASA through 14 CFR, Part 1208.

4.7 Title Approval Considerations

4.7.1 Before public money is expended, the Attorney General of the United States must approve the sufficiency of title to any real property acquired by the Federal Government, as stated in 40 U.S.C. §3111. This requirement applies to the acquisition of real property for any purpose, including but not limited to:

- a. Easements and leases of a term greater than 30 years.
- b. Real property purchased by NASA.
- c. Real property donated to NASA per the Space Act.

4.7.2 The Attorney General's title approval responsibilities have been delegated to the Assistant Attorney General, Environment and Natural Resources Division.

4.7.2.1 Day-to-day administration is further delegated to the Title Unit in the Lands Acquisition Section of the Environment and Natural Resources Division. The Title Unit may be contacted to answer any questions or provide any assistance needed regarding title approval issues.

4.7.2.2 DOJ authority regarding approval responsibilities is also delegated to specific Federal agencies including the U.S. Army Corps of Engineers. Those agencies with

delegated authority may be used to assist in the acquisition of real estate.

4.7.3 The Centers shall request FERP Division assistance in gaining clear title with the request for approval to acquire real property, per Section 4.8 of this NPR. The process of obtaining satisfactory evidence of good title should be started early in the acquisition process.

4.7.4 In addition to furnishing satisfactory evidence of title, NASA is also responsible for ensuring that the real property to be acquired is inspected. The RPAO shall complete a Certificate of Inspection and Possession and submit it to the Department of Justice.

4.8 Obtaining Approval to Acquire Real Property

4.8.1 The Center Director (or a Center senior management official with delegated authority from the Center Director) shall forward requests for approval to acquire real property to the Director, FERP Division.

4.8.1.1 Center Directors shall sign requests to acquire real property by purchase, gift, condemnation, or transfer from another Federal agency.

4.8.2 The Center shall ensure the Director, FERP Division, is fully informed of significant actions or problems related to any real property acquisition actions proposed or in process.

4.8.3 If the real property proposed to be acquired is privately held, the request shall include justification of the proposed acquisition, including supporting documentation and a finding from NASA legal counsel that the proposed action is legally sufficient.

4.8.4 Content of Request for Approval to Acquire Real Property

4.8.4.1 Centers requesting approval for real property acquisitions shall furnish a business case that includes the following information:

- a. Identification of property including name, address/location, and owner.
- b. Detailed description of property, including brochures, maps, charts, drawings, or photographs.
- c. Detailed description of proposed use of property, including plans and schedule for staffing, as well as square foot allowances per person in office areas and for major items of equipment.
- d. Statement that any required environmental/historic/sustainability review and documentation has been completed and any issues addressed and corrected.
- e. Statement that a safety review has been completed and any issues addressed and corrected.
- f. A Life Cycle Cost Analysis for the acquisition using Economic Analysis Package (ECONPACK) software (from the U.S. Army Corps of Engineers at <http://www.hnd.usace.army.mil/paxspt/econ/econ.aspx>) that includes:
 - (1) Description of how the acquisition supports Center mission and program requirements.
 - (2) Description of total acquisition needed to meet the requirement in amount of

equipment, space, acreage, and duration of occupancy.

(3) Description of any other related acquisition, if required.

(4) Comparison of acquisition method proposed with possible alternatives.

(5) Comparison of advantages of NASA acquisition versus contractor acquisition if contractor will use facility.

g. Scheduled date for acquisition action, including:

(1) Signature of lease, contract to buy, or construction contract.

(2) Assignment of space by GSA.

(3) Other actions that may be relevant.

h. Anticipated move date and total number of employees for new location at full staff, including details on local hires versus contractor personnel.

4.8.4.2 Centers should use the following alternatives in the Life Cycle Cost Analysis to the proposed acquisition (additional alternatives may be considered):

a. Maintaining status quo? explain how NASA met requirement prior to requested acquisition, including effect on NASA programs if request is not approved. b. New acquisition or construction.

c. Leasing.

d. Modification of existing assets (i.e., renovation, upgrade, revitalization).

e. Use of other Government facilities.

f. Renovation/new construction mix.

g. Use of other facilities on the Center.

i. Acquisition of needed facilities through privatization initiatives.

4.8.4.3 Centers requesting approval shall ensure that each feasible alternative described in Section [4.8.4.2](#) has a cost-analysis component that includes the following:

a. Acquisition cost, including costs that may be incurred in the foreseeable future, such as rehabilitation, alteration, and repair; show all costs, and include source of funds.

b. Projection of estimated annual operation and maintenance costs.

c. Additional material or equipment (coordinate with Center personal property custodian), including:

(1) Type and amount of noncollateral equipment to be acquired by transfer or purchase.

(2) Determination of whether transfer is on a reimbursable or nonreimbursable basis.

(3) Projection of estimated annual costs for operation and maintenance of the equipment.

d. Any anticipated costs associated with relocation assistance requirement compliance.

4.8.5 Supplemental Information Regarding the Availability of Other Sites

4.8.5.1 Centers shall supplement requests for approval to acquire real property with information about the availability of other potential sites, both Government- and non-Government-owned, including:

- a. Criteria used in site selection.
- e. Comparison of advantages of requested site over other available sites.
- f. Efforts to comply with 42 U.S.C. §2473d (requires investigating use of abandoned and underutilized Federal buildings, grounds, and facilities in depressed communities).
- b. Steps taken to address [EOs 12072](#) (Federal Space Management) and [13006](#) (Locating Federal Facilities in Historic Properties).

4.8.5.2 If property proposed for acquisition is not in a rural area as defined in the Rural Development Act of 1972, 7 U.S.C. §2204b-1 and described in Section [4.5.2](#), Centers shall provide written justification, including the following:

- a. Reasons why the office or other facility must be located at chosen site.
- b. Efforts made to locate in rural area.
- c. Effects on project or program if location is changed to rural area.

4.8.5.3 Centers shall explain significant variations from standards outlined in Government real property acquisition documents if they exist in connection with the proposed acquisition.

4.8.5.4 Centers shall provide proposed timetable and steps in the acquisition process, including explanations for requirements to adhere to particular timetables and any unusual steps in the acquisition process.

4.8.5.5 Centers should anticipate any potential adverse consequences resulting from an acquisition and report possible future disadvantages along with suggestions for amelioration.

4.8.5.6 Centers should explain any contingencies that would prevent or delay consummation of the acquisition if approved. Explain contingencies that could require reversal of decision to acquire.

4.8.5.7 Once a request for acquisition of real property is approved and the transaction completed, the acquired asset shall be entered in the RPMS. See Section [2.4](#) of this NPR for a detailed account of how real property assets are entered into and managed within the system.

4.9 Alternative Future Use Questionnaire

4.9.1 As part of NASA's efforts to appropriately account for its assets and its expenses, NASA requires that NASA Form 1739, Alternative Future Use Questionnaire, be completed prior to acquisition of any facilities and related property for all NASA infrastructure and institutional projects. The requirements for Form 1739 are provided in NPR 9250.1.

4.9.2 The purpose of this form is to determine the appropriate accounting treatment for

each individual asset acquired during the course of an infrastructure and institutional project. If an individual asset meets these criteria, then it must be capitalized, and a unique WBS element, or elements, within the project WBS structure must be established for that unique item.

4.9.3 The FPM in consultation with the RPAO and the Center DCFO (F) shall complete NASA Form 1739, Alternative Future Use Questionnaire, (for JPL, the equivalent form authorized by the NASA OCFO) for all facility projects.

4.10 Naming Real Property

4.10.1 Overview

4.10.1.1 This section establishes NASA policy and procedures covering the naming of real property and real property under construction or planned for future construction, including the following:

a. NASA-owned real property.

(1) Existing buildings.

(2) Roads and streets.

b. Public property and buildings (other than schools).

c. Schools.

4.10.2 NASA-Owned Real Property

4.10.2.1 NASA-owned buildings and structures should be named for their purpose (e.g., Administration Building, Rocket Research Building, etc.).

4.10.2.2 NASA-owned buildings and structures may be named for persons, but only in extraordinary circumstances. The Directors of NASA Centers and the Director of JPL shall submit requests to the Director, FERP Division before naming buildings or other NASA real property after NASA employees or other persons. Requests for naming NASA-owned buildings will include the proposed name of the building and all related background information.

4.10.2.3 Centers may consider naming meeting rooms or libraries after such persons. Alternatively, Centers may establish a memorial grove of trees or a memorial area such as a reception area in which a plaque is dedicated to persons who have provided extraordinary service.

4.10.2.4 Director, FERP Division, shall perform the following:

a. Coordinate proposal with appropriate Headquarters organizations, including the cognizant Associate Administrator, the Office of Communications, and the Office of International and Interagency Relations.

b. Inform the Center of final action in each case.

4.10.3 Roads and Streets on NASA-owned Property

4.10.3.1 The commonly accepted system of designating a number, letter, or a combination thereof, is the first preference for naming a road or street.

4.10.3.2 The use of nouns is the second preference for naming a road or street, provided that such selection is made within the bounds of propriety and appropriateness regarding the following:

- a. Geographical locations.
- b. Places or events of American historical significance.
- c. Scientific derivations.
- d. Distinguished Americans.
- e. Landmark NASA projects and programs.

4.10.4 Public Property and Public Buildings (Other Than Schools)

4.10.4.1 Communities and cities often request concurrence to name public buildings in honor of astronauts, including the crew of Columbia. Requests for naming buildings must include the proposed name and all related background information, including coordination of the naming with the cognizant Associate Administrator. If the building or structure is to be named for a person, living or dead, the Directors of NASA Centers and the Director of JPL shall submit requests to the Director, FERP Division.

4.10.4.2 The Director, FERP Division shall perform the following:

- a. Coordinate the proposal with appropriate Headquarters organizations, including the Office of Communications, and the Office of International and Interagency Relations.
- b. Inform the Center of final action in each case.

4.10.5 Schools

4.10.5.1 Communities and cities often request concurrence to name public schools in honor of fallen astronauts. The Office of Education has the authority and responsibility to process requests to name schools. Points of contact have been established at each NASA Center. All school naming requests will be referred to the appropriate Center point of contact, who will track the request to completion.

4.10.5.2 Directors of NASA Centers and the Director of JPL shall submit request for naming schools to the Office of Education with a copy to the FERP Division.

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